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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,852	02/16/2005	Markus Berger	LF003	1254
52203	7590	05/05/2006	EXAMINER	
CONTINENTAL TEVES, INC. ONE CONTINENTAL DRIVE AUBURN HILLS, MI 48326-1581			DONDERO, WILLIAM E	
			ART UNIT	PAPER NUMBER
			3654	

DATE MAILED: 05/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/518,852	BERGER ET AL.	
	Examiner	Art Unit	
	William E. Dondero	3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2005 and 09 March 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/22/04, 02/16/05</u> | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 9 and 10 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Edler (US-3113739). Regarding Claim 9, Elder discloses a filament brake comprising a rotatably journaled drum 192 defining a drum axis; the drum having a plurality of peripherally-extending take-up slots (shown but not numbered) formed thereon capable of accommodating a plurality of filaments therein; the take-up slots being spaced one from the other in the direction of the drum axis; a drive wheel 194 adapted to cooperate with means 198 for adjusting the torque of the drum, wherein it appears each of said slots has an arcuate shape, similar to those shown on drum 194, view in cross section and includes a filament intake region and a filament run-out region; the drum having a first diameter at each intake region and a second diameter at each run-out region; and the first diameter is greater than the second diameter (Figures 4, 8, and 9).

In the alternative, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the take-up slots of Elder arcuate to accommodate the circular cross-section of the filament.

Regarding Claim 10, Elder discloses the drum is journaled (by shaft 86 and bearing 84) at one end (Figure 8).

***Claim Rejections - 35 USC § 103***

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Elder (US-3113739) as applied to claims 9 and 10 above, and further in view of Gallini et al. (US-4056240). Elder is silent about the drum being a shaft journaled at both ends. However, Gallini et al., in Figure 2, discloses a shaft 1 journaled at both ends to 14 and 15. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the shaft of Elder with a shaft journaled at both ends, as taught by Gallini et al., to make the system more stable.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sacks (US-3020621) in view of Gallini et al. (US-4056240). Sacks discloses a rotatably journaled drum 10 defining a drum axis; the drum having a smooth surface; an ancillary shaft 12 adjacent the drum and arranged inclined to the drum axis; and a filament being wrapped around the combination of the drum and ancillary shaft (Figure 1). Sacks is silent about a plurality of filaments being individually wrapped around the combination of the drum and ancillary shaft. However, Gallini et al. disclose a plurality of filaments 8, 9, 10, 11 being individually wrapped around the combination of a drum 12 and ancillary shaft 13 (Figure 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to wrap a plurality of filaments individually around the combination of the drum and ancillary shaft of Elder as taught by Gallini et al. to apply the tensioning force equally to each filament.

***Response to Arguments***

With respect to Applicant's arguments, filed on November 28, 2005, starting on page 4, line 17 to page 5, line 8, and starting on page 5, line 11 to page 5, line 15, applicant argues element 194 of Elder is a drum brake that does not contact the filaments. These arguments, with respect to the rejection(s) of claim(s) 9-11 under 35 USC 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of a new interpretation of the Elder reference with the element 192 being the drum.

With respect to Applicant's arguments, filed on March 9, 2006, starting on page 2, line 1 to page 3, line 9, applicant argues neither Sacks nor Aelion (US-3337930) contains a motivation for combining them and the combination does not teach the filaments being individually wrapped around the drum and shaft combination. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it common knowledge in the

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filament winding art to use drums and shafts to control the winding of single filaments or a plurality of filaments. In regards to the filaments being individually wrapped around the drum and shaft combination, this argument with respect to claim 12 has been considered but are moot in view of the new ground(s) of rejection.

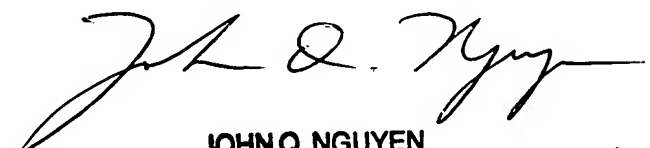
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William E. Dondero whose telephone number is 571-272-5590. The examiner can normally be reached on Monday through Friday 7:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on 571-272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

wed

  
**JOHN Q. NGUYEN**  
**PRIMARY EXAMINER**